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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,825	07/17/2000	Andrea Drei		7759

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EXAMINER

TSAI, HENRY

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 08/12/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/617,825

Applicant(s)

DREI, ANDREA

Examiner

Henry W.H. Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 05 May 2003 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

Reissue Applications

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.
2. In accordance with 37 CFR 1.175(b)(1), a supplemental reissue oath/declaration under 37 CFR 1.175(b)(1) must be received before this reissue application can be allowed.
3. Claims 1-34 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251. See 37 CFR 1.175. The nature of the defect is set forth above.

Receipt of an appropriate supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome this rejection under 35 U.S.C. 251. An example of acceptable language to be used in the supplemental oath/declaration is as follows:

"Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant."

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 19, 22, 23, 25-29, 32 and 33 are rejected under, 35 U.S.C. 102(b) as being anticipated by Werkmeister et al. (U.S. 3,582,000).

Referring to claims 19 and 27, Werkmeister et al. discloses the claimed invention comprising, a mechanism for the individual release of the bars(43, see Fig. 2) and a bar pusher(44, see Figs. 1 and 2) for pushing a bar into a spindle of an automatic lathe(A, see Fig. 1), the bar pusher being adapted to connect with a collet(45, see Figs. 1 and 2) which is adapted to receive the rear end of a released bar(43, see Fig. 2), and further comprising: a carriage(9, see Fig. 4) having grip elements(22/22 in Fig. 1 or 52/53 in Fig. 7) for the bar to be advanced, the

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carriage(9, see Fig. 4) being slidably actuated between an initial position(see Fig. 5, when the grip elements 22/22 are in the close position), wherein the grip elements are actuated so as to grip the bar(43) deposited thereon and a final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) where the bar is released by the grip elements after inserting the bar in the collet(45, see Figs. 1 and 2) and into the spindle of the lathe(A, see Fig. 1); the bar pusher(44, see Fig. 1) being supported for translatory movement; and the bar pusher being aligned with the deposited bar(43, see Fig. 1) when the carriage is in the final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position. Further, note the carriage(9, see Fig. 4) is secured on the carrier (1, see Fig. 3, and Col. 2, lines 65-70) and both are slidably actuated between the initial position and a final position as set forth above.

As to claims 22 and 32, Werkmeister et al. also discloses: the grip elements comprising V-shaped blade elements (see Fig. 2, the V-shaped blade elements 22, 22 contacting the bar 43)

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which are actuated in manual contrast to grip the released bar(43) interposed therebetween them.

As to claims 23 and 33, Werkmeister et al. also discloses: the grip elements(52, 53, Fig. 7) being fixed on two respective posts(54, 55, see Fig. 7) which are parallel and sliding supported in the carriage(9) and have racks which mesh with a pinion(74, see Fig. 8), with which a lever(72, see Fig. 8) is radially rigidly coupled as clearly shown in Figs. 7 and 8.

As to claims 25, 26, 28, and 29, Werkmeister et al. also discloses: a guide(42, see Fig. 2) operatively associated with the carriage(9, see Fig. 4), the guide supporting a bar(43, see Fig. 2) when such bar is advanced into the collet (45, see Figs. 1 and 2); and the guide(42, see Fig. 2) including a plurality of supporting elements (the contact surfaces inside the guide 42 are best reasonably broadly interpreted as the supporting elements).

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Werkmeister et al. in view of Link (U.S. 5,662,014).

Werkmeister et al. discloses the claimed invention except for: a fluid actuated jack mounted on the carriage acting on the lever.

Link discloses a bar-feeding machine comprising a fluid actuated jack(294, see Fig. 4) mounted on the carriage(274', see Fig. 4) acting on the lever(286a or 286b, see Fig. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Werkmeister et al.'s device to comprise a fluid actuated jack mounted on the carriage acting on the lever, as taught by Link, in order to increase the force for clamping the bar mounted in the

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Werkmeister et al.'s device. Besides, using the fluid actuated jack is just an alternative moving drive comparing with that of Werkmeister et al.'s device (solenoid 71) using electricity.

Response to Amendment

8. Applicant's arguments filed 5/5/03 have been fully considered but they are not deemed to be persuasive.

Regarding the reissue oath/declaration, the supplemental reissue declaration has not been received. The rejection is maintained.

Regarding the drawings, the 35 U.S.C. §112, first and second paragraph problems, Applicant's response has overcome these objections and rejections.

Regarding art rejections, Applicants argue that a carriage slidably actuated between an initial gripping position and a final releasing position, as recited in claim 19 and exemplified in one embodiment in the specification, is not taught or even suggested by the Werkmeister reference (page 10, fourth paragraph). Examiner disagree with Applicant. As set forth in the art rejections above, Werkmeister et al.'s device comprises:

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the carriage (9, see Fig. 4) being slidably actuated between an initial position (see Fig. 5, when the grip elements 22/22 are in the close position), wherein the grip elements are actuated so as to grip the bar(43) deposited thereon and a final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) where the bar is released by the grip elements after inserting the bar in the collet(45, see Figs. 1 and 2). Further note the carriage (9, see Fig. 4) is secured on the carrier (1, see Fig. 3, and Col. 2, lines 65-70) and both are slidably actuated between the initial position and a final position as set forth above. Examiner reasonably broadly interprets the claim language.

Regarding Claim 27, Applicant also argue that the limitation: a carriage having grip elements for the bar to be advanced, said carriage being slidable so as to advance the bar end into the collet is not taught nor suggested by the Werkmeister reference (page 11, last paragraph). Examiner disagree with Applicant. As set forth above, Werkmeister et al.'s carriage (9, see Fig. 4) is secured on the carrier (1, see Fig. 3, and Col. 2, lines 65-70) and both are slidably actuated

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between the initial position final position (see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position) and a final position(see Col. 3, lines 54-57, note the grip elements 22/22 are in the open position when the carriage is in the final position). As shown in Figs. 1 and 2, the bar pusher(44) being adapted to connect with a collet(45, see Figs. 1 and 2) which is adapted to receive the rear end of a released bar(43, see Fig. 2). Certainly, the coupling between the bar end and the collet is enabled by a relative sliding between the carriage(9) and the pusher(44) as shown in Figs. 1 and 2.

In summary, Werkmeister et al. and Werkmeister et al. (U.S. 3,582,000) and Link (U.S. 5,662,014) teach the claimed invention.

Allowable Subject Matter

9. The following is a statement of reasons for the indication of allowable subject matter: Werkmeister et al. (3,582,000) is the closest cited reference. However, Werkmeister et al. does not teach or fairly suggested that the supporting elements to

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support a bar released from the system are slidable (claim 1); and means for locking and actuating the pusher between an offset position and a position where the pusher is aligned with the bar deposited on the supporting elements (claims 2 and 8); a plate articulated on the carriage and adapted to oscillate between a position for abutment on the bar and an inactive position (claims 20 and 30).

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Henry Tsai whose telephone number is (703) 308-7600. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Eddie Chan, can be reached on (703) 305-9712. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **TC 2100 receptionist whose telephone number is (703) 305-3900.**

12. In order to reduce pendency and avoid potential delays, Group 2100 is encouraging FAXing of responses to Office actions directly into the Group at fax number:

Official faxes: 703-746-7239; and
After Final faxes: 703-746-7238.

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This practice may be used for filing papers not requiring a fee.
It may also be used for filing papers which require a fee by
applicants who authorize charges to a PTO deposit account.
Please identify the examiner and art unit at the top of your
cover sheet. Papers submitted via FAX into Group 2100 will be
promptly forward to the examiner.



HENRY W. H. TSAI
PRIMARY EXAMINER

August 7, 2003